

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RFC LENDERS OF TEXAS, LLC,

Plaintiff,

v.

**SOUTHERN TIRE MART, LLC (d.b.a.
TEXAS SOUTHERN TIRE MART, LLC),**

Defendant.

CIVIL ACTION NO.: 4:22-cv-266

JURY TRIAL DEMANDED

SCHEDULING ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

3 DAYS after conclusion of Trial	Parties to file Motion to Seal Trial Exhibits , if they wish to seal any highly confidential exhibits.
_____, 2023	2:00 p.m. JURY TRIAL before Judge Amos L. Mazzant, III, Sherman, Texas. For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.
_____, 2023	9:00 a.m. JURY SELECTION before Judge Amos L. Mazzant, III, Sherman, Texas.
October 23, 2023	9:00 a.m. FINAL PRETRIAL CONFERENCE before Judge Amos L. Mazzant, III, at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090. Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections. Lead trial counsel must attend the pretrial conference.
October 9, 2023	File Responses to Motions <i>in Limine</i>. File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law). File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses). If numerous objections are filed the court may set a hearing prior to docket call.

September 25, 2023	<p>File Motions <i>in Limine</i>. File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the court.</p> <p>At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.</p>
September 22, 2023	<p>Deposition Designation due.</p> <p>Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court.</p> <p>The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties designations and the court's rulings on objections</p>
September 15, 2023	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (<i>See</i> www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).
September 15, 2023	Notice of intent to offer certified records.
July 14, 2023	Mediation deadline.
May 22, 2023	<p>File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7.</p> <p>Responses to motions shall be due in accordance with Local Rule CV-7(e).</p>
May 22, 2023	Discovery Deadline. All discovery must be served in time to be completed by this date.
May 22, 2023	<p>Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.</p>

May 19, 2023	Comply with P.R. 3-7 . (Designation of Willfulness Opinions).
May 8, 2023	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B).
April 10, 2023	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information that may be relevant to a claim or defense of any party at trial.
March 6, 2023	9:00 a.m. CLAIM CONSTRUCTION HEARING, before Judge Amos L. Mazzant, III, at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
February 24, 2023	Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
February 15, 2023	Reply claim construction brief (P.R. 4-5(c)).
February 8, 2023	Responsive claim construction brief (P.R. 4-5(b)).
February 8, 2023	Submit technology synopsis/tutorial (both hard copy and disk).
January 25, 2023	Opening claim construction brief (P.R. 4-5(a)).
January 11, 2023	Respond to Amended Pleadings.
January 11, 2023	Completion date for discovery on claim construction (P.R. 4-4).
December 13, 2022	Parties' Final Amended Pleadings. (A motion for leave is required.)
December 13, 2022	Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
November 14, 2022	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).

October 31, 2022	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
October 26, 2022	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
October 17, 2022	P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To extent not already required to be disclosed, exchange Mandatory Disclosures other than information directed solely towards damages.
October 17, 2022	Deadline to join additional parties. It is not necessary to file a motion to join additional parties prior to this date. Thereafter, it is necessary to obtain leave of Court to join additional parties.
September 21, 2022	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
September 12, 2022	10:00 a.m. – INITIAL RULE 16 MANAGEMENT CONFERENCE before Judge Amos L. Mazzant, III, at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090. Lead counsel for each party, with authority to bind their respective clients, and all unrepresented parties, shall be present. If a party is a corporation or other business entity, the in-house counsel or officer supervising the case shall attend in person or by phone. Continuance of the management conference will not be allowed absent a showing of good cause.

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the Court will assume that the party has no opposition.”

Other Limitations

- (a) The following excuses will not warrant a continuance or justify a failure to comply with the discovery deadline:
- (i) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (ii) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (iii) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

- (b) Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.